

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C) .No. 28843 of 2007 (H)

PETITIONER:

R.GOPAKUMAR,
NON VOCATIONAL TEACHER (ENGLISH),
GOVERNMENT VOCATIONAL HIGHER SECONDARY SHOOOL (BOYS)
ATTINGAL.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DIRECTOR OF VOCATIONAL HIGHER
SECONDARY EDUCATION, THIRUVANANTHAPURAM.
3. THE PRINCIPAL,
GOVERNMENT VOCATIONAL HIGHER SECONDARY
SCHOOL (BOYS), ATTINGAL.

BY G.P. SHRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03/10/2007, A/W. W.P.C. NO.28904/07 AND CONNECTED CASE,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).Nos.28843, 28904 & 29090 of 2007

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Dated this the 3rd day of October, 2007

J U D G M E N T

Petitioners are non-vocational teachers working in Vocational Higher Secondary Education Department. They were originally ministerial employees of the department, who were promoted as non-vocational teachers, since they had the qualification prescribed for the same. They were promoted in the 10 per cent quota earmarked for appointment by transfer from among the ministerial employees. At the time when they were so appointed, pass in State Eligibility Test (SET) was not an essential qualification for appointment. It is submitted by the counsel for the petitioners that even B.Ed. was not a mandatory qualification at that time. SET qualification was prescribed as mandatory only as per the special rules which came into force on 12.3.2004. According to the petitioners, even before the special rules came into force, they have acquired vested right for

continuing as non-vocational teachers having been appointed to the post as per the Government order G.O(Ms).No.61/92/G.Edn. dated 17.3.1992. The petitioners also point out that similarly placed teachers in the higher secondary schools, both in the Government and aided sector, as also vocational higher secondary teachers in the aided sector, have been exempted from the requirement of SET qualification. The petitioners therefore, submit that they are being discriminated in the matter of requirement of SET qualification, which requires to be rectified.

2. After hearing the counsel for the petitioners as also the learned Government Pleader, I feel that this is a matter which should gain urgent attention of the Government in view of the facts disclosed. In W.P(C).No.28904/2007 a representation, Ext.P10, has been filed by the petitioner in this regard. Similar representations have not been filed in the other two writ petitions. However, I feel that these writ petitions themselves can be treated as representations filed by the petitioners before the Government in that regard. Treating these writ petitions as representations in that regard, the Government shall consider the claim of the petitioners in these writ petitions and take a decision

thereon as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. Petitioners shall also be afforded an opportunity of being heard before passing final orders. Petitioners would be free to produce all documents in support of their claim which shall also be considered by the Government while passing orders. The petitioners shall produce copies of these writ petitions before the Government along with a certified copy of this judgment. Till passing final orders, petitioners shall not be reverted from the post they are holding now.

The writ petitions are disposed of as above.

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Sd/-
S.SIRI JAGAN, JUDGE

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P.A. to Judge.